

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES <i>vs.</i> ROBERT JOHN MARTINEZ Def. Address: 2038 W. Cactus Rd. Pheonix, Arizona 943-6554	<i>For U. S.:</i> Ben F. Baker <i>For Defendant:</i> Larry McSoud (Ret.) Center Office Bldg. Tulsa, Okla.

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISE.
J.S. 2 mailed 10-31-72	Clerk				
J.S. 3 mailed 1-31-73	Marshal				
Violation Illegal Entry of Aliens Title 8 Sec. 1324(a)(2)	Docket fee				
7 Counts					

DATE	PROCEEDINGS
10-26-72	Indictment, filed in open court. hm
10-26-72	Record vote of the Grand Jury, filed in open court. hm
10-26-72	Appearance bond in the amt. of \$5,000 (10% cash deposit), filed. hm
10-26-72	Order specifying methods and conditions of release, filed. hm
10-31-72	Arraignment set 11-9-72 at 10:00 am. (AEB-J)h
11-9-72	Def. present in person and rep. by Larry McSoud, ret. counsel. The govt rep by Ben F. Baker. Def. arraigned and enters plea of NOT GUILTY as to Cts. 1 thru 7, and case passed to next jury docket. Def. to stand on present bond. Def. waives appearance at any motion docket. (AEB-J)h
11-13-72	Affidavit for Bail for Material Witness, filed. Dated 11-6-72, and signed by Charles F. Burns. (CFB-U.S.Mag.)v
11-16-72	Return on Order Fixing Bail for Witness, filed. U.S. Marshal took custody of said witnesses and delivered them to Rogers Co. Jail, in Claremore, Okla., done on 11-7-72. v

- docket continues -

DATE	PROCEEDINGS	Martinez- Manuel Ignacio Calderon
11-16-72	Order Dissolving Material Witness Bond and said witness/be discharged from custody and remanded to U.S. Border Patrol for disposition, filed. (MLB-U.S.SMag.)v Return as part of above pldg., filed same day. Said witness remanded to Border Patrol, on 11-8-72. v	
11-22-72	Motion of def. to dismiss indictment, w/brief in support thereof as part of motion, filed. rm - copy to Dene	
11-22-72	Motion of def. for discovery and inspection, w/brief in support thereof, filed. rm	copy to Dene
11-29-72	Response to defendant's pre-trial motions, filed. g	
12-13-72	Ordered that Magistrate conduct hearing on deft's motion for discovery and inspection. (AEB-J)hm	
12-13-72	Hearing held on above motion. It is recommended that deft's motion for discovery and inspection be sustained in part/overruled in part. Govt. to prepare F&R within 5 days. (MLB-Mag)hm	
12-22-72	Findings and Recommendations of Magistrate, filed. (MLB-U.S.Mag.)v	
12-15-72	Case set for Jury Trial on Tues., 1-9-73, at 10:00 A.M. (AEB-J)v -notices mailed.	
12-27-72	Def. ^{not} present in person and represented by Larry McSoud, ret. counsel. Hearing held on motion of def. to dismiss indictment, and motion overruled. (AEB-J)	
1-3-73	Order filed that the def's motion for copy of written statement and motion for discovery and inspection is denied. (AEB-J)h <i>copies mailed</i>	
1-9-73	Case called for jury trial and stricken. Def. present in person and rep. by Larry McSoud, ret. counsel. Def. withdraws plea of Not Guilty as to Cts. 1&2, and enters pleas of NOLO CONTENDERE as to Cts. 1&2. At request of govt. Cts. 3,4,5,6&7 are dismissed. ^{Order filed} Def. request for immediate sentence granted. (Waiver of Jury signed and filed.) Judgment and Sentence- Robert John Martinez (21)	
1-9-73	Ct. 1- Probation 1 year Ct. 2- Probation 1 year, to run concurrently with period of probation in Ct. 1, pursuant to Y.C.A. (AEB-J)h Order of Probation filed and entered. Two c.c. to Prob. Office. (AEB-J)h	
1-9-73	Order of Dismissal as to Cts. 3,4,5,6,7 of Indictment filed. (AEB-J)h	
1-30-73	Order exonerating bond in sum of \$500.00 to Bondsman, Billy Brooks, file. (AEB-J)	
12-18-73	Certificate of Vacation of conviction, filed. (AEB-J)g	
12-18-73	Order of discharge from probation, filed. (AEB-J)g	

MAGISTRATE
 UNITED STATES COMMISSIONER
 NORTHERN DISTRICT OF OKLAHOMA

72-CR-192

RECORD OF PROCEEDINGS—MISCELLANEOUS

BEFORE Charles F. Burns, Miami, Oklahoma
(Name of Magistrate) (Address)
 Magistrate

This form should be used to record proceedings for which Forms AO 100 and AO 101 are not adapted, such as applications for search warrants, extradition proceedings, depositions in civil cases, proceedings for the release of poor convicts, references in civil or admiralty cases, attachments and subsequent hearings in internal revenue matters, proceedings to settle or certify nonpayment of seamen's wages, civil rights proceedings, detentions of witnesses on removal proceedings in connection with criminal proceedings, if not included in Form AO 100, etc. A separate page should be used for each proceeding, showing the title of the case, its nature, and the date and nature of each step taken.

Commissioner's
 Docket No. 1, Case No. 83

UNITED STATES OF AMERICA

BOND FOR MATERIAL WITNESSES

vs.
 (ROBERT JOHN MARTINEZ)

MANUEL SANCHEZ-VARGAS; MARCELO
 AGUIRRE-CHAPA; MANUEL IGNACIO
 MARTINEZ-CALDERON.

(Nature of proceeding)

DATE	
November 6, 1972	Material witnesses, Manuel SANCHEZ-Vargas, Marcelo AGUIRRE-Chapa, Manuel Ignacio MARTINEZ-Calderon, present in open court and advised of their rights and right to be represented by counsel at all stages of the proceedings. Material witnesses above named executed waiver of counsel and defendants and each of them were advised of Application and Order entered this date. Defendants and each of them, that their bond as material witnesses is \$2500.00 cash or surety bond and on default of bond they were remanded to the custody of the U S Marshal for their delivery at Tulsa, Oklahoma, before the U. S. District Court. Manuel SANCHEZ-Vargas advised that he is a citizen of the Mexico, age 24 years, residing at 2351 Colonia Industrial Calle Valia E. Montevideo Juarez, Chihuahau, Mexico, born 1-14-48 at the same place. Marcelo AGUIRRE-Chapa advised the court that he is a Mexican citizen, age 22 years, residing at Casermate Guanacevi Durango, Mexico, born 1-16-50 at the same place. Manuel Ignacio MARTINEZ-Calderon advised the court that he is a Mexican citizen, age 22 years, residing at Puerta Caalrera Inle Durango, Mexico born 1-24-49, at the same place. Oscar E Cooper appointed interpreter by the court as each of the said defendants did not speak or understand English.

[illegible]

DATED November 6, 19 72

United States ~~Commissioner~~
Magistrate